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## **Chapter 13 SOLID WASTE\***

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**\*Editor's note**--An ordinance adopted March 1, 1993, amended former Ch. 13, relative to solid waste in its entirety to read as herein set out. The provisions of former Ch. 13 derived from ordinances of 2-6-89, 11-6-89, 6-18-90, 9-4-90, 6-17-91, 7-20-92, and motions of 2-4-91 and 5-20-91.

**Cross reference(s)**--Animals, Ch. 4; dogs, § 4-26 et seq.; buildings and building regulations, Ch. 5; fire prevention and protection, Ch. 7; housing, Ch. 8; minimum standards for sanitation under the housing code, § 8-90; disposal and transportation of refuse and sewerage, license required, § 10-46 et seq.; marine activities, structures and ways, Ch. 11; harbor, § 11-26 et seq.; streets, sidewalks and other public places, Ch. 14; littering prohibited on any public property, § 14-5; traffic and vehicles, Ch. 15; utilities, Ch. 16; zoning and subdivision of land, App. A.

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**Art. I. In General, §§ 13-1--13-13**

**Art. II. General Rules and Regulations, §§ 13-14--13-28**

**Art. III. Municipal Collection, §§ 13-29--13-39**

**Art. IV. Licensing of Solid Waste Haulers, §§ 13-40--13-53**

**Art. V. Permits, §§ 13-54--13-68**

**Art. VI. Municipal disposal Areas and Fees, §§ 13-69--13-83**

**Art. VII. Mandatory Recycling Program, §§ 13-84--13-95**

**Art. VIII. Enforcement and Penalties, §§ 13-96, 13-97**

### **ARTICLE I. IN GENERAL**

#### **Sec. 13-1. Short title.**

This chapter shall be known as and may be cited as the Brunswick Solid Waste Chapter.

(Ord. of 3-1-93)

#### **Sec. 13-2. Purpose.**

The purpose of this chapter is to protect the health, safety

and the general wellbeing of the citizens of the Town of Brunswick, Maine, enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution by providing for a comprehensive, rational and effective means of regulating the disposal and transportation of solid waste in the municipality.

(Ord. of 3-1-93)

### **Sec. 13-3 .Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Acceptable waste* shall mean solid waste defined by this chapter as acceptable for either collection or disposal at a municipal disposal facility.

*Ashes* shall mean that residue from burning of wood, coal, coke or other combustible material.

*Atomic waste* shall mean special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended.

*Biomedical waste* shall mean waste that may contain human pathogens of sufficient virulence and in sufficient concentrations that exposure to it by a susceptible human host could result in disease or that may contain toxic chemicals used in medical treatment.

*Brown goods* shall mean any household appliance not surrounded by metal such as a television, radio or stereo.

*Commercial waste* shall mean useless, unwanted or discarded solid material with insufficient liquid to be free flowing and generated by commercial, industrial, institutional, nonprofit, tax-exempt, quasi-municipal, state or federal activities. It shall not include unacceptable waste or material required by this chapter to be either recycled or disposed of at the wood and masonry landfill.

*Commercial waste collector* shall mean a person, firm, corporation or other entity that collects, recycles and/or hauls the solid waste, including recyclable solid waste, of another person, firm, corporation or other entity for a fee.

*Construction and demolition debris* shall mean refuse originating from construction, remodeling, reconstruction or demolition activities. It includes asphalt, roofing, metal, sheet rock, plaster, insulation and plastic. It does not include special waste, hazardous waste, unacceptable waste, or other

waste that the public works director has determined to be excludable.

*Disposal* shall mean the discharge, deposit, dumping, incineration, spilling, leaking, or placing of any solid waste, sludge, or septage into or on any land, air, or water so that the solid waste, sludge or sewage or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

*Hazardous waste* as defined in 38 M.R.S.A. § 1303(5) means a waste substance or material in any physical state, designated as hazardous by the Maine Board of Environmental Protection. The fact that a hazardous waste or constituent may have value or other use or may be sold or exchanged does not exclude it from this definition. It does not include waste from normal household activities.

*Household refuse* shall mean refuse which is generated by common domestic activities. It does not include construction or demolition debris, masonry debris, wood waste, yard waste, household furniture, white goods or brown goods.

*Household furniture* shall mean furniture found in a residential dwelling such as tables, chairs or couches.

*Masonry debris* shall mean clean concrete block, brick, mortar or cement free from reinforcing bar or wire. Material that is not clean or contains reinforcing material is classified as demolition debris.

*Municipality* shall mean the Town of Brunswick, Maine.

*Municipal disposal facility* shall mean any land or structure or combinations of land area and structures owned, operated by, under contract with, or designated by the municipality, including a landfill, transfer station or similar facility used in connection with the disposal of acceptable waste.

*Municipal waste* shall mean useless, unwanted or discarded solid material with insufficient liquid to be free flowing and generated by municipal activities. It shall not include unacceptable waste or material required by this chapter to be either recycled or disposed of at the wood and masonry landfill.

*Nonresidential recyclables* shall mean clean office paper and clean corrugated cardboard as defined by the public works department.

*Owner* shall mean the owner and the lessees, tenants, employees and agents of an owner.

*Person* shall mean any person, corporation, partnership, sole proprietorship, association or other legal entity.

*Resident* shall mean any individual who resides in a residential unit within the corporate limits of the Town of Brunswick.

*Residential recyclable* shall mean newspapers, corrugated cardboard, #2 HDPE plastic containers, steel ``tin'' cans and clear clean glass jars as defined by the public works department.

*Residential unit* shall mean a structure or portion of a structure set aside for non-transient occupancy containing necessary living, sleeping, dining, sanitary and kitchen facilities.

*Scrap metal.* Metal items as established by the public works department including but not limited to, bicycles, metal shelving, tire rims, wood stoves, lawnmowers. It shall not include junk cars, trucks or motor vehicles.

*Secured*, with respect to carrying rubbish in open-bodied trucks, shall mean the use of a canvas, tarpaulin, or other covering of sufficient strength and size to adequately cover and contain the load being transported, the cover being affixed to the vehicle in such a fashion as to prevent spillage.

*Solid waste* shall mean useless, unwanted or discarded solid material with insufficient liquid to be free flowing. The fact that a solid waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.

*Special waste* as defined in 38 M.R.S.A. § 1303(10-B) shall mean any nonhazardous waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, which may disrupt or impair effective waste management or threaten the public health, human safety, or the environment and requires special handling, transportation and disposal procedures.

*Unacceptable waste* shall mean any waste which is not acceptable waste.

*White goods* shall mean any appliance surrounded by metal such as a refrigerator, stove, washing machine, dryer, water heater.

*Wood waste* shall mean lumber and logs smaller than four (4) feet in length and eight (8) inches in diameter. It shall also include yard waste that is determined to be non-compostable by the public works department. It does not include stumps.

*Yard waste* shall mean compostable refuse originating from yard cleaning. It includes leaves, brush, lawn and tree

clippings, and materials originating from vegetable or flowers gardens.

(Ord. of 3-1-93)

**Secs. 13-4--13-13. Reserved.**

## **ARTICLE II. GENERAL RULES AND REGULATIONS**

### **Sec. 13-14. Disposal of dead animals.**

The owner of a dead animal shall either bury it, or dispose of it through a veterinarian within twenty-four (24) hours of its death.

(Ord. of 3-1-93)

### **Sec. 13-15. Burning of solid waste.**

A person shall not burn refuse in such a manner as to cause an unreasonable deposit of ashes or soot on another's land, or to create obnoxious odors or smoke.

(Ord. of 3-1-93)

### **Sec. 13-16. Storage of solid waste.**

Solid waste must be stored by the owner in tightly covered, leak-proof, fire-retardant containers so that the contents are inaccessible to dogs, rodents, and scavengers.

(Ord. of 3-1-93)

### **Sec. 13-17. Solid waste disposal vehicles.**

(a) The owner of a disposal vehicle shall keep it clean and as free as possible of offensive odors. The vehicle shall not be parked in any place other than its place of business for longer than is reasonably necessary to make a collection.

(b) A person shall not transport solid waste in any vehicle unless it is secured so as to be spill-proof and leak-proof. A vehicle body designed to use a tailgate shall have the tailgate properly in place. A refuse load shall not overhang the sides or the rear of the vehicle body.

(Ord. of 3-1-93)

### **Sec. 13-18. Dumping of solid waste.**

A person shall not dump refuse except at a municipal disposal area during the open hours established by the town council.

(Ord. of 3-1-93)

**Sec. 13-19. Leaves and yard waste.**

A person shall not collect, deposit or store leaves and yard waste in a municipal street or right-of-way.

(Ord. of 3-1-93)

**Secs. 13-20--13-28. Reserved.**

**ARTICLE III. MUNICIPAL COLLECTION**

**Sec. 13-29. Curbside collection.**

Municipal curbside collection of household refuse shall be provided to residential units located on public ways and mobile homes within a mobile home park, within the town. The following uses shall not be provided municipal curbside collection:

- (1) Nonresidential building, i.e. auto shop, restaurant, office, and the like.
- (2) A building that both business and household share, where, the primary use, based on square footage, is nonresidential.
- (3) Hotel, motel, inn, bed and breakfast establishment.

**Sec. 13-30. Collection of household refuse by town.**

(a) All household refuse, in order to be collected by the town, must be placed in refuse containers with covers and handles not exceeding a capacity of thirty-two (32) gallons and/or sealed cartons from household trash compactors, and/or tightly sealed plastic bags at least one and one-half (1 1/2) mils in thickness. All refuse is to be placed curbside for municipal collection not earlier than 4:00 p.m. the day before nor no later than the hour of pickup of the day of collection established by the public works director. Placing or allowing refuse to remain curbside at any other times is a violation of this chapter, subject to the remedies and penalties provided in subsection (g) below. Rubbish shall be collected weekly, insofar as is possible. A refuse container which does not meet the requirements of this chapter (i.e. paper bags, cardboard boxes, container without handles, etc.) or which weighs more than forty (40) pounds when filled, will not be collected by the town.

(b) The town requires all residents to minimize their refuse through recycling and the maximum amount of household refuse which will be collected per residential unit is the equivalent of four (4), thirty-two (32) gallon bags of household refuse per week. The maximum limit may be waived by the public works director due to holidays, make up collections, and other similar instances.

(c) Wood and coal ash shall not be placed curbside for collection but should be taken to the disposal area.

(d) No yard and garden refuse, leaves or brush will be collected with the regular refuse collection.

(e) Used motor oil, antifreeze, paint or other toxic liquids shall not be placed curbside for collection. These materials shall be disposed of in accordance with rules established by the public works department.

(f) It shall be the duty of the owner of every residential property occupied or intended to be occupied to provide and keep within the building or upon the lot where the building is situated suitable and sufficient containers to receive the accumulation of solid waste on the premises during the interval between collections.

(g) The owner of every residential property and any person placing household refuse in violation of subsection (a) above shall be liable for violations of this chapter. Any owner or person placing household refuse in violation of subsection (a) above shall cause the household refuse to be removed within twenty-four (24) hours of the issuance of an order to remove by the Chief of Police, the Codes Enforcement Officer or the duly authorized representative of either. Such order may be oral or

written and shall be given to those persons who have registered their ownership or management interest in the property as required by Chapter 8, Article III of this Code and any person placing household refuse in violation of subsection (a) above. An oral order shall be memorialized by a letter stating the date and time of the oral order and to whom it was given. Failure to remove such refuse within twenty-four (24) hours of the issuance of an order shall constitute a violation of this chapter. In the event of such failure to remove or in the event that the Codes Enforcement Officer has received no registration of the ownership or management interest in the property abutting the area where the household refuse has been placed, the Chief of Police, the Codes Enforcement Officer or the duly authorized representative of either shall arrange to have the waste material removed and provide written notice of such removal to the owner of record of the property, who shall be responsible for the costs for collecting the household refuse.

(h) After the issuance of one order to remove and one written notice of removal given under subsection (g) above during any twelve (12) month period, the fee for collecting all the household refuse which was not removed in compliance with subsection (g) shall be one hundred dollars (\$100.00) for up to one (1) cubic yard of refuse collected. If the refuse collected exceeds one (1) cubic yard, the fee shall be one hundred dollars (\$100.00) plus the cost per cubic yard to collect and dispose of the waste at an approved facility. Such collection and disposal fees shall thereafter be charged each time the town removes waste material deposited in violation of this chapter, without the need for additional order or notice under subsection (g).

(Ord. of 3-1-93; Ord. of 05-01-00)

**Secs. 13-31--13-39. Reserved.**

#### **ARTICLE IV. LICENSING OF SOLID WASTE HAULERS**

##### **Sec. 13-40. Commercial waste collectors.**

(a) No commercial waste collector shall collect, haul, transport, recycle or dispose of solid waste generated within the boundaries of the municipality without first obtaining an annual license.

(b) Any person wishing to obtain a commercial waste collector license shall complete an application and submit a twenty-five dollar (\$25.00) nonrefundable application fee. The application shall be submitted on a form provided by the public works director and at a minimum contain the following information:

- (1) Applicant's name.



- (2) Applicant's residence.
- (3) Address of the applicant's place of business.
- (4) If the applicant is a corporation, the names and addresses of each of its directors and officers.
- (5) A description of the vehicles and equipment to be used, including the make, model, year of manufacture and license plate number of said vehicle and equipment.
- (6) A list of real estate and/or personal property owned or used by the hauler and subject to property taxation within the Town of Brunswick.

(c) Before the license may be issued, the public works director shall inspect each disposal vehicle to ensure that it is leak-proof and spill-proof.

(Ord. of 3-1-93)

#### **Sec. 13-41. License fee.**

(a) The license fee shall be sixty dollars (\$60.00) per vehicle. If the license is issued between October 1 and December 31, the fee shall be thirty dollars (\$30.00) per vehicle. All licenses shall expire on December 31.

(b) In order that all licenses expire on December 31, any license which now expires on June 30, 1993 may be renewed for the period July 1, 1993 to December 31, 1993. This transitional license shall be subject to reapplication and approval of the town and issued at a fee of thirty dollars (\$30.00) per vehicle.

(Ord. of 3-1-93)

#### **Sec. 13-42. Qualifications for license.**

In order to be eligible for a license, an applicant shall meet any qualifications established by law and shall pay any arrearage for taxes, fees, or any other obligation to the town.

(Ord. of 3-1-93)

#### **Sec. 13-43. Suspension or revocation of license.**

(a) After notice and hearing the town manager may suspend or revoke the license of any commercial waste collector for violation of any provision or provisions of this chapter including the failure to pay, upon demand, any disposal fee for which credit had been extended to the hauler. Suspension or revocation of the license may be in addition to any penalty or relief the municipality may seek under Article VIII of this

chapter.

(b) A notice stating the alleged violation(s) of the chapter shall be mailed to the licensee via certified mail return receipt at least thirty (30) days prior to the hearing date.

(c) The town manager shall conduct the hearing in accordance with guidelines approved by the town attorney and shall cause a record to be made of the hearing.

(d) Unless the licensee agrees in writing to an extension, the town manager shall render a decision within thirty (30) days of the hearing.

(Ord. of 3-1-93)

**Sec. 13-44. Appeals of license suspension or revocation.**

(a) Decisions of the town manager may be appealed to the town council within thirty (30) days of the town manager's decision.

(b) The town council shall conduct an appeals hearing within thirty (30) days of its receipt of a request for an appeal.

(c) The appeal hearing shall be conducted in accordance with guidelines approved by the town attorney. The town council shall cause a record to be made of the appeal hearing.

(d) Unless the appellant agrees to an extension in writing, the town council shall render a decision on the appeal within thirty (30) days of the appeal hearing.

(Ord. of 3-1-93)

**Secs. 13-45--13-53. Reserved.**

**ARTICLE V. PERMITS**

**Sec. 13-54. Permit required.**

A permit is required for entrance to any municipal disposal facility operated by the Town of Brunswick. Permits shall be affixed to vehicles as directed by the public works department. It shall be a violation of this chapter to display a permit on any vehicle other than the authorized vehicle.

(Ord. of 3-1-93)

**Sec. 13-55. Residential disposal permit.**

(a) Residents who qualify under this chapter may purchase an annual residential disposal permit (in sticker form) at the

Graham Road landfill, the public works department or the municipal office. Unless a special exception is granted by the public works director, the permit shall be attached to any automobile, van, pick-up truck or utility trailer which is registered for a gross vehicle weight of not more than nine thousand (9,000) pounds. The cost of the permit shall be five (\$5.00) per vehicle except during the last four (4) months of the calendar year when the cost shall be three dollars (\$3.00). All permits shall expire on December 31.

(b) The following shall qualify for residential disposal permits:

- (1) Residents of Brunswick with at least one motor vehicle registered in the Town of Brunswick.
- (2) Seasonal residents who own and, on a temporary or seasonal basis, reside in residential property located within the Town of Brunswick and who pay property taxes to the Town of Brunswick.
- (3) Military personnel who reside in residential units located within the Town of Brunswick.
- (4) Other residents not meeting criteria (1) through (3) may qualify by submitting proof of residency satisfactory to the public works director.

(c) A residential permit shall entitle the holder to deliver the following items from their own residence or from other units of the building they occupy as their personal residence, provided the building has four (4) residential units or less in Brunswick to the Graham Road landfill free of any fees charged in accordance with the schedule of fees in Article VI of this chapter:

- Household Refuse
- White Goods
- Brown Goods
- Metal Items and Large Appliances
- Household Furniture

(d) A residential permit shall entitle the holder to deliver to the wood and masonry landfill free of any charge in Article VI the following items:

- (1) Wood waste.

(2) Masonry debris.

(e) A residential permit holder shall not be entitled to deliver solid waste free of charge in a vehicle licensed for the collection or transportation of solid waste for hire.

(Ord. of 3-1-93)

**Sec. 13-56. Commercial disposal permits.**

A commercial disposal permit is required for those that do not qualify for a residential permit and may be obtained only at the Graham Road Landfill or the public works department. The cost of the permit shall be five dollars (\$5.00) per vehicle. The permit shall expire on December 31.

(Ord. of 3-1-93)

**Sec. 13-57. Multiple permits prohibited.**

No person shall be issued both a residential and commercial permit for the same vehicle.

(Ord. of 3-1-93)

**Sec. 13-58. Revocation of permits.**

(a) After notice and hearing, the public works director may suspend or revoke the permit of any permit holder for violation of any provision or provisions of Chapter 13 including the failure to pay, upon demand, any disposal fee for which credit had been extended. Suspension or revocation of the permit may be in addition to any penalty or relief the municipality may seek under Article VIII of Chapter 13.

(b) In determining the length of suspension or revocation of a permit, the public works director shall consider the nature and severity of the Chapter 13 violation(s). If the suspension or revocation is for nonpayment of fees, the suspension shall remain in force until the fees are paid in full.

(c) A notice stating the alleged violation(s) of Chapter 13 shall be mailed to the licensee via certified mail return receipt at least thirty (30) days prior to the hearing date.

(d) The public works director shall conduct the hearing in accordance with guidelines approved by the town attorney and shall cause a record to be made of the hearing.

(e) Unless the permit holder agrees in writing to an extension, the public works director shall render a decision within thirty (30) days of the hearing.

(Ord. of 3-1-93)

**Sec. 13-59. Appeals of permit suspension or revocation.**

(a) Decisions of the public works director may be appealed to the town manager within thirty (30) days of the public works director's decision.

(b) The town manager shall conduct an appeals hearing within thirty (30) days of its receipt of a request for an appeal.

(c) The appeal hearing shall be conducted in accordance with guidelines approved by the town attorney. The town manager shall cause a record to be made of the appeal hearing.

(d) Unless the appellant agrees to an extension in writing, the town manager shall render a decision on the appeal within thirty (30) days of the appeal hearing.

(Ord. of 3-1-93)

**Secs. 13-60--13-68. Reserved.**

**ARTICLE VI. MUNICIPAL DISPOSAL AREAS AND FEES**

**Sec. 13-69. Brunswick solid waste only.**

(a) Only solid waste originating within the corporate limits of the Town of Brunswick may be disposed of at any municipal disposal facility operated by the Town of Brunswick. Upon demand, those delivering solid waste must identify:

- (1) The composition of the material to be disposed.
- (2) Where in town the material comes from.
- (3) The name and telephone number of a person to confirm the information provided in (1) and (2) above.
- (4) The expected quantity of the waste to be delivered.

(b) The failure to provide the above information shall prevent access to the municipal disposal facilities. Delivering waste not originating within the corporate limits of the Town of Brunswick or providing false information to gain access to a municipal disposal facility shall be a violation of this chapter.

(Ord. of 3-1-93)

**Sec. 13-70. Unacceptable waste.**

The following shall be unacceptable at any municipal waste disposal facility:

- Atomic Waste
- Bio-Medical Waste
- Tree stumps
- Hazardous Waste
- Special Waste without approval of MDEP
- Liquid or Flowing wastes

(Ord. of 3-1-93)

**Sec. 13-71. Disposal of solid waste.**

(a) All users of the municipal disposal facilities shall place waste in the area designated by the facility attendants or be in violation of this chapter.

(b) There is to be no sorting or removal (dump picking) of materials or items from the municipal disposal facilities without the permission of the public works director or the solid waste program director.

(Ord. of 3-1-93)

**Sec. 13-72. Graham Road Landfill.**

The Graham Road Landfill is a Maine Department of Environmental Protection approved Secure Landfill located on Graham Road in Brunswick, Maine.

(a) *Acceptable materials at the Graham Road Landfill.*

- (1) The following waste classifications are acceptable for disposal at the Graham Road Landfill:

Brown Goods

Commercial Waste

Construction and Demolition Material

Household Furniture

Household Refuse

Municipal Waste

Scrap Metal

Tires

White Goods

- (2) No person shall deposit or dispose of at the Graham Road Landfill, any material accepted for disposal at the wood and masonry landfill.
- (b) *Graham Road Landfill disposal fees.* All users of the Graham Road Landfill are subject to the following fee schedule with the exceptions noted for those holding valid residential permits and vehicles operated by the town.
  - (1) *Acceptable waste* (with the exception of individual items noted below on this schedule of fees):

Disposal fee . . . . \$44.00 per ton

The minimum charge per load shall be \$5.00
  - (2) *Tires.* All tires disposed of at the landfill are subject to the following fees. No tires will be accepted unless they are separated from their rims.

Up to but not including eighteen-inch rim size . . .  
. . \$2.00 each

Eighteen-inch up to, but not including, twenty-four inch rim size . . . . \$ 6.00

Rim size twenty-four-inch and greater . . . . \$ 10.00 each
  - (3) *White goods and scrap metal* . . . . \$23.20 per ton
  - (4) *Inseparable wood waste or masonry debris* . . . . \$132.00 per ton
  - (5) Notwithstanding the regulations of this chapter governing the disposal of material at the wood and masonry landfill, refuse which contains wood waste or masonry material deemed by the public works director as inseparable will be accepted at the Graham Road Landfill provided the person depositing such material has first obtained a permit from the department of public works.

(Ord. of 3-1-93)

**Sec. 13-73. Wood and masonry landfill.**

- (a) *Acceptable material at wood and masonry landfill.* Except

as otherwise permitted by this chapter, all wood waste or masonry debris shall be disposed of at the wood and masonry landfill. No other material shall be accepted at this facility.

*(b) Disposal fees at the wood and masonry landfill.*

- (1) All users of the wood and masonry landfill are subject to the following fee schedule with the exceptions noted for those holding a valid residential permit.
- (2) Disposal of wood waste and masonry debris: \$7.00 per cubic yard.
- (3) Truck loads will be rated on a per yard basis and charged as full or half full as determined by the attendant.

*(c) Permitted truck size and monthly volume at the wood and masonry landfill.*

- (1) All material must be delivered to the wood and masonry landfill in vehicles no greater than two (2) axles (six (6) wheels). No amount of material greater than twenty-five (25) cubic yards will be accepted from any one (1) job site or address during a thirty-day period.
- (2) For purposes of determining compliance with this section the amount of each load will be measured as being either full or one-half full as determined by the attendant.

(Ord. of 3-1-93)

**Sec. 13-74. Disposal fees on a credit basis.**

(a) All users subject to a disposal fee shall pay those fees at the time of delivery to the municipal disposal facility unless they have obtained pre-approved credit from the public works director.

(b) In order to be considered for credit, the applicant shall submit a credit application on a form provided by the public works director who, along with the town's finance director, shall establish rules determining credit eligibility. Any person, firm, corporation, or other legal entity that is in delinquent in any payment of taxes or fees to the Town of Brunswick shall not be extended credit. No applicant shall be granted a credit limit greater than an estimate of fees to be charged in a sixty-day period. Unless otherwise established by the finance director, the terms of all invoices shall be net thirty (30) days. Any invoices outstanding beyond thirty (30) days shall be considered delinquent.

(c) A late fee of one and one-half (1 1/2) percent per month



shall be charged on all balances outstanding over thirty (30) days. The finance director may waive late fees if in his determination the late payment was unintentional or if the amount of the late fee is less than one dollar (\$1.00).

(Ord. of 3-1-93)

**Secs. 13-75--13-83. Reserved.**

#### **ARTICLE VII. MANDATORY RECYCLING PROGRAM**

##### **Sec. 13-84. Residential recycling.**

All persons occupying residential units are required to segregate residential recyclables from their solid waste stream and cause the residential recyclables to be taken to a recycling facility.

(Ord. of 3-1-93)

##### **Sec. 13-85. Collection of residential recyclables by town.**

All residential recyclable shall be segregated in accordance with rules established by the public works department. Where the town provides curbside collection of household refuse, the town will also provided curbside collection of residential recyclables. Those who are not provided with municipal curbside collection of household refuse will be offered collection of residential recyclable from a centralized location as approved by the public works director.

(Ord. of 3-1-93)

##### **Sec. 13-86. Nonresidential recycling.**

All businesses, municipal departments, quasi-municipal entities and other nonprofit organizations within the Town of Brunswick are required to segregate corrugated cardboard and sorted office paper (as defined by the public works department) from their refuse waste stream and cause these type materials to be delivered to a recycling facility.

(Ord. of 3-1-93)

**Secs. 13-87--13-95. Reserved.**

#### **ARTICLE VIII ENFORCEMENT AND PENALTIES**

##### **Sec. 13-96. Enforcement.**

This chapter shall be enforced by the public works director, the health officer, the police department, and the codes

enforcement officer.

(Ord. of 3-1-93)

**Sec. 13-97. Penalty.**

A person who violates this chapter shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) for the first offense, and by a civil penalty of not more than one thousand dollars (\$1,000.00) for the second and each subsequent offense committed within a twelve-month period of time. In any case, the court shall also order the violator to reimburse the town for the cost of abating any damage caused by the violation. The employer of any person who violates this chapter within the scope of their employment is subject to the same penalties and charges as are outlined in this section. Serious or habitual offenders of the regulations within this chapter pertaining to the Town Graham Road Landfill and wood and masonry landfill may be prohibited from using these facilities.

(Ord. of 3-1-93)